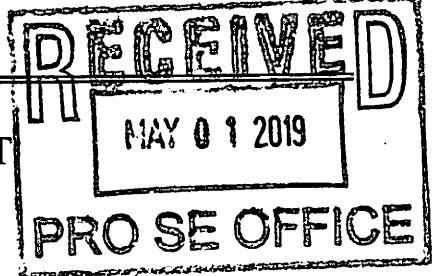


ORIGINAL

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

UNITED STATES DISTRICT COURT
for the
Eastern District of New York



TINEO JAVIER

CV 19-2555

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

MTGLQ INVESTORS, LP
HON. JAMES C. HUDSON, JSC
NASSAU COUNTY SHERIFF'S OFFICE,
SUFFOLK

DONNELLY, J.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

TOMLINSON, M.J.

COMPLAINT AND REQUEST FOR INJUNCTION**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|--------------------|------------------|
| Name | TINEO JAVIER |
| Street Address | 39 WINTHROP ROAD |
| City and County | BRENTWOOD |
| State and Zip Code | NEW YORK 11717 |
| Telephone Number | 631-355-6238 |
| E-mail Address | JVTINEO@aol.com |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

| | |
|------------------------------------|---------------------------------------|
| Name | MTGLQ INVESTORS, LP |
| Job or Title (<i>if known</i>) | |
| Street Address | C/O KNUCKLES, KOMOSINSKI & MANFRO, LP |
| City and County | 565 TAXTER ROAD, SUITE 590 |
| State and Zip Code | ELMSFORD, NEW YORK 11717 |
| Telephone Number | |
| E-mail Address (<i>if known</i>) | |

Defendant No. 2

| | |
|------------------------------------|--|
| Name | HON. JAMES C. HUDSON, J <i>SUFFOLK</i> |
| Job or Title (<i>if known</i>) | SUPREME COURT JUDGE NASSAU COUNTY |
| Street Address | 100 SUPREME COURT DRIVE |
| City and County | MINEOLA |
| State and Zip Code | NEW YORK 11501 |
| Telephone Number | |
| E-mail Address (<i>if known</i>) | |

Defendant No. 3

| | |
|------------------------------------|------------------------------------|
| Name | ERROL D. TOULON, JR <i>SUFFOLK</i> |
| Job or Title (<i>if known</i>) | SHERIFF NASSAU COUNTY |
| Street Address | 360 YAPHANK AVENUE, SUITE 1A |
| City and County | YAPHANK, NY 11980 |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address (<i>if known</i>) | |

Defendant No. 4

| | |
|------------------------------------|---|
| Name | <i>MA SUFFOLK COUNTY SHERIFF'S OFFICE</i> |
| Job or Title (<i>if known</i>) | |
| Street Address | <i>360 YAPHANK AVENUE Suite 1 A</i> |
| City and County | <i>YAPHANK</i> |
| State and Zip Code | <i>NEW YORK 11980</i> |
| Telephone Number | |
| E-mail Address (<i>if known</i>) | |

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

DUE PROCESS

LACKED 'DAY IN COURT.'

JUDICIAL MISREPRESENTATION OF ORDER

CRUEL AND INHUMAN TREATMENT (ILLEGAL EVICTION AND LOCKED OUT RESULTING IN DEFENDANTS ACTIONS)

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.
_____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

PLAINTIFF ALSO SUES FOR DAMAGES 180,000.00 DOLLARS FOR PAIN, SUFFERING, LOST OF PROPERTY, DAMAGES OF PERSONAL PROPERTY, MISREPRESENTATION OF ORDER, EMBARRASSMENT, ATYPICAL HARDSHIP, ILLEGALLY LOCKED OUT, DEPRIVATION OF RIGHTS.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Plaintiff was illegally locked out resulting in an eviction proceedings that was subsequent a foreclosure judgment and sale, post-auction. After months of litigations, and the order to evict the plaintiff, on April 17th 2019, an emergency order to show cause for a stay of the eviction in State Supreme Court Nassau County, bearing the index number 15658/2009, was granted by defendant Hon. James C. Hudson, but in the order '.....the judge crossed out the significant purpose of the emergency order and because of this contradiction by the judge,...' plaintiff and his entire family with children were thrown out on the streets and his personal property was damages and vandalized and that the sheriff office participated in such conspiracy after notice was given to its office and agent. Plaintiff is now homeless and this order signed by the judge contradict the purpose of it being granted.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The relief sought is to be RESTORED BACK INTO THE PREMISES located at 39 Winthrop Road, Brentwood, New York immediately and to reverse the defendant's order in part; to wit'...the granting of the entire order to stay the sheriff's warrant of removal.' and damages to plaintiff's personal property and pain, suffering and mental anguish and lost of personal property and the embarrassment of the actions resulting in the eviction. That a constitutional violation against the plaintiff took place by the defendants.

Pro Se I (Rev. 12/16) Complaint for a Civil Case

Punitive and compensatory damages in the amount of \$ 80,000.00 dollars

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: May 1.
April 30th 2019

Signature of Plaintiff



Printed Name of Plaintiff

TINEO JAVIER

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address
